

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Greene Street

Thursday, February 5, 2009, 7:00 PM

The Vice Chair called the meeting to order at 7:00 pm.

I. Roll Call

Present: Bruce Santa Anna, Dean Naylor, Scott Gibbs, Alex Biliouris, Stephen Vowels, Gene Simone, John Flaherty, Town Solicitor Rick Nadeau. Absent: Joe Cardello

II. Approval of Minutes--October 16, November 6 & 13, and December 18, 2008

Mr. Santa Anna made a motion to approve the minutes of October 16, 2008 as corrected. Mr. Naylor seconded the motion, with all in favor.

Mr. Simone made a motion to approve the minutes of November 6, 2008 as corrected. Mr. Santa Anna seconded the motion, with all in favor.

Mr. Santa Anna made a motion to approve the minutes of November 13, 2008. Mr. Simone seconded the motion, with all in favor.

Mr. Biliouris made a motion to approve the minutes of December 18, 2008. Mr. Gibbs seconded the motion, with all in favor.

III. Review and Consideration of proposals for the planning advisory services

The Board discussed hiring a consultant for advisory services on the Dowling Village application. Mr. Flaherty's duties as Acting Town Planner are limited to paper work and gathering of information, but he does not wish to give advice to the Board. Because the Dowling Village application is such a large and complex issue, he feels it would be best for the Board to retain an advisor for these hearings. They discussed some of the proposals submitted for these services.

Mr. Biliouris questioned whether the expense was necessary given that the interviews for Town Planner are being held next week. Mr. Flaherty stated that even if someone was hired right away, it may be March 1 at the earliest that a full-time planner would be working for the town. He stated that a planner was hired, they could dispense with the consultant's services.

There was discussion among the Board and with attorney John Mancini who is representing Bucci Development on the Dowling Village application concerning who would be paying for the consultant's services. It was mentioned in the past that the applicant may be amenable for paying for the services in the interest of getting the application moving along in the absence of a full-time planner. Mr. Mancini stated that because interviews for a town planner were being held within the next week and due to the fact that some of the consultants being considered have worked with the town in the past,

the applicant has significant reservations with the process.

Mr. Flaherty informed the Board that the Town Administrator is aware of the situation and has given her support in hiring a consultant at the town's expense if the Board feels that it is the best way to proceed. The consultant will be paid with money saved from not having a full-time planner. Mr. Gibbs made a motion to engage the services of Sam Shamoon for planning advisory services on the Dowling Village, but if a full-time planner is hired and it is determined that a consultant is unnecessary, then his services will be dispensed with. Mr. Santa Anna seconded the motion. Planning Board votes was as follows: AYE: Mr. Naylor, Mr. Santa Anna, Mr. Gibbs, Mr. Biliouris, Mr. Simone.

IV. North Smithfield Planning Board acting as Administrative Officer on following Applications:

a. Graves Avenue

Mr. Flaherty referred to the information submitted to the Board in their packets to explain that the request is difficult because it has lots of moving parts. The applicant is seeking approval for plans that were approved in 2005. Andrew Chagnon from PARE Engineering and representing Liz Development addressed the Board to try to clarify the request. He stated that the application is fairly straightforward. In 2005 the Planning Board approved the plan. He explained the configuration of lots and gave some information on some roadway abandonments. The applicant had submitted 2 sets of

drawings, which showed the existing lots, proposed subdivided lots, and lots owned by the town. He and Mr. Flaherty explained that for some reason plan was never recorded with the town, so the plan lapsed. Mr. Chagnon stated that Mr. Phillips wrote a letter stating that the application meets the requirements of an administrative subdivision, and the applicant does not want to resubmit; they are asking the Board to vote on the plan as originally submitted. Mr. Flaherty stated that he has concerns as he is having difficulty with trying to reconstruct paperwork. Some of the dates are not matching up with the information provided by the applicant. In addition there have been changes in subdivision regulations.

Mr. Nadeau stated that he does not think the Board has the authority to act in the manner that the applicant is requesting. He stated that if this administrative subdivision is approved, the Board will be acting improperly. He added that the applicant needs to resubmit under the new regulations as the Board cannot legally go forward even though it's good for the town. The Board determined that with the application resubmitted, an administrative subdivision would be easiest. The applicant stated that they will withdraw their request.

b. North Smithfield Sewer Pumping Station

Mr. Flaherty explained that this application is not before the Board for any action, but to give the Board a chance to look at the plans and think about if this is best location for the sewer pumping station. It is anticipated to be on the agenda for February 19. The applicant is the

Town of North Smithfield, but the Fire Department is the owner of the land. Chief Jillson talked with Board, explaining that the Sewer Commission approached them. They do not want to conflict with the town's outlook for the area and have not yet signed off on the transfer of land.

V. Issues and Concerns--Adoption of rules and procedures governing public hearings

Mr. Biliouris expressed his desire to have a set rules and regulations for efficient flow of meeting. He made reference to the Zoning Board's rules and regulations and suggested adopting Robert's Rules of Order for all public hearings. He suggested that the Board allow the petitioner to present its case in its entirety, then give the abutters a chance to cross examine, followed by town residents. He believes a set procedure will give consistency and allow all hearings to move along in a timely fashion. Mr. Santa Anna questioned whether the general public should be limited to town residents. Mr. Naylor stated that because the Zoning Board is quasi-judicial it is therefore more formal and its authority goes much further than for the Planning Board. He is concerned that setting limitations that may lead to not being compliant with Open Meetings laws. Mr. Santa Anna said that Mr. Biliouris had some good points and suggested that he submit a draft for all members to review. Mr. Gibbs agree with Mr. Santa Anna and stated that he would like to have the Board review and discuss together to come up with procedures.

VI. Capital Budget Review--Public Works, Parks & Recreation

Public Works Director Ray Pendergast addressed the Board with capital budget requests for Public Works and Parks & Recreation. Mr. Flaherty submitted documents to the Board for review. He informed the Board that they need to make recommendations on the capital budget to the Budget Committee by March 1. Mr. Pendergast told the Board that although everything he has requested is needed; he knows that everything won't be approved, so he prioritized the requests. His top three requests for Public Works are water pipes, a new truck with a catch basin cleaner, and street signs (need to be redone per federal mandate). For the Parks & Recreation department the top requests are replacement parts for Grasshopper mower and other lawnmowers and basketball and tennis courts at Pacheco Park.

Mr. Santa Anna made a motion to adjourn at 9:25 pm. Mr. Simone seconded the motion, with all in favor.

Respectfully Submitted;

Angela Pugliese

Planning Board Secretary